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August 2, 2006

VIA ELECTRONIC FILING

The Honorable Gregory M. Sleet
United States District Court
for the District of Delaware
844 N. King Street
Wilmington, DE 19801

**Re: Navarro v. Coons, *et al.*
C.A No. 05-565 (GMS)**

Dear Judge Sleet:

I represent the individual defendants, Messrs. Coons and Sapp. Friday afternoon plaintiff wrote the Court with a request to suspend briefing on the pending summary judgment motion in favor of a motion he would file to amend his complaint. I was out of the office on Monday and part of yesterday, and before writing to the Court today to oppose that application, I've now been served with plaintiff's motion and the actual proposed amendment.

Plaintiff's motion comes too late. As pointed out in the County's letter in opposition, in which my clients join, the pertinent deadlines have expired, – the deadline to amend pleadings and the discovery deadline. In such circumstances, where a court has set a schedule under Civil Rule 16, the general liberality of the Rule 15(a) standard is supplanted by the more stringent, "good cause" requirement in Civil Rule 16(b). 3 *Moore's Federal Practice* §§ 15.14[1] and 16.14[1] (M. Bender 3d ed.)

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Plaintiff's motion and proposed amendment do not meet that "good cause" standard for a late motion. I can elaborate in a brief, or in a "speaking answer" to plaintiff's speaking motion, or in a teleconference, howsoever the Court would care to have counsel proceed.

Respectfully yours,

/s/ Jeffrey S. Goddess
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and Guy H. Sapp*

JSG/jls

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